

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL COALITION ON BLACK CIVIC
PARTICIPATION, MARY WINTER, GENE
STEINBERG, NANCY HART, SARAH
WOLFF, KAREN SLAVEN, KATE KENNEDY,
EDA DANIEL, and ANDREA SFERES,

Plaintiffs,

-and-

People of the STATE OF NEW YORK, by its
attorney general, LETITIA JAMES, ATTORNEY
GENERAL OF THE STATE OF NEW YORK

Plaintiff-Intervenor,

v.

JACOB WOHL, JACK BURKMAN, J.M.
BURKMAN & ASSOCIATES, LLC, PROJECT
1599, and JOHN and JANE DOES 1-10,

Defendants.

Civil Action No. 20-cv-8668

Answer to Document 299

**DECLARATION OF DAVID M. SCHWARTZ IN SUPPORT OF DEFENDANTS'
MOTIONS IN LIMINE, DEFENDANT'S CROSS MOTION REQUIRING MAHANIAN'S
PRESENCE AT TRIAL AND DEFENDANT'S OPPOSITION TO PLAINTIFFS'
MOTIONS IN LIMINE**

David M. Schwartz, an attorney duly admitted to practice law in the State of New York and the U.S. District Court for the Southern District of New York, hereby declares pursuant to 28 U.S.C. § 1746 and under the penalties of perjury:

1. I am counsel representing Defendants Jacob Wohl, Jack Burkman, J.M. Burkman & Associates, LLC, and Project 1599 in this action.

2. I submit this declaration in support of all Defendant's Motions *In Limine*, Defendant's Cross Motion requiring Mahanian's presence at trial and Defendant's opposition to Plaintiffs' Motions *In Limine*. I have personal knowledge of the facts stated here, and each of them is true and correct.

3. Attached as **Exhibit A** is a copy of Decision and Order dated October 28, 2020 (Document 38) authorizing Plaintiffs to distribute Curative Message to recipients of original robocall.

4. Attached as **Exhibit B** is a copy of Letter (Document 43) dated October 29, 2020, to Judge Marrero.

5. Attached as **Exhibit C** is a copy of Minute Entry (Document 45) for proceedings held before Judge Marrero dated October 30, 2020.

6. Attached as **Exhibit D** is a copy of Order dated October 30, 2020 (Document 49) regarding original robocall and curative message.

7. Attached as **Exhibit E** is a copy of Letter (Document 52) dated November 1, 2020 to Judge Marrero regarding curative robocall.

8. Attached as **Exhibit F** is a copy of Transcript (Document 53) dated November 2, 2020 of Conference held on October 26, 2020 before Judge Marrero.

9. Attached as **Exhibit G** is a copy of an Excel Spreadsheet of the 2020 Call Log.

10. Pursuant to Judge Marrero's Individual Practices Section II.E, I attest that I am familiar with the full contents of the documents attached to this declaration, that I will maintain a copy of the entire documents in my case files until after a final court disposition of the action, and the copies of documents filed with these motion papers are authentic copies of the relevant portions of the documents.

WHEREFORE, I respectfully request that the Court grant the relief sought in the Notices of Motion and grant such other and further relief as the Court deems just and proper.

Dated: New York, New York
July 7, 2023

Respectfully submitted,

By: /s/ David M. Schwartz

David M. Schwartz, Esq.
546 Fifth Avenue, 6th Fl.
New York, NY 10036
(212) 641-0049
david@davidschwartzesq.com